

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CAPITAL ONE, NATIONAL ASSOCIATION

**NOTICE OF APPEARANCE
AND WAIVER IN FORECLOSURE**

Plaintiff,

Civil Case No. 12-1573(DLI)

-against-

KINPIT ASSOCIATES L.P. f/k/a KINPIT
ASSOCIATES, APPROVED OIL CO.,
ADVANTAGE WHOLESALE SUPPLY LLC, et al

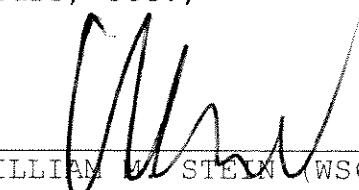
Defendants.

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SIR:

PLEASE TAKE NOTICE, that the defendant, ADVANTAGE WHOLESALE SUPPLY, LLC hereby appears in the above entitled action, and that the undersigned has been retained as attorneys for said defendant therein and hereby waives service of all papers and of notices of all proceedings in said action except notice of sale and notice of proceedings to obtain surplus moneys.

DATED: Haverstraw, New York
May 14, 2012

Yours, etc.,


WILLIAM M. STEIN (WS6263)
STEIN & STEIN, LLP
Attorneys for Defendant
ADVANTAGE WHOLESALE SUPPLY, LLC
One Railroad Square
Haverstraw, NY 10927
(845) 429-3900

TO: Thomas P. Battistoni
Schiff Hardin LLP
Attorneys for Plaintiff Capital One National Association
666 Fifth Avenue, 17th Floor
New York, N 10103
212-753-5000

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EASTERN DISTRICT OF NEW YORK

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CAPITAL ONE, NATIONAL ASSOCIATION

AFFIDAVIT OF SERVICE

Plaintiff,

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KINPIT ASSOCIATES L.P. f/k/a KINPIT
ASSOCIATES, APPROVED OIL CO.,
ADVANTAGE WHOLESALE SUPPLY LLC, et al

Defendants.

Defendants.

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STATE OF NEW YORK, COUNTY OF ROCKLAND ss:

Ruth Diaz being sworn says: I am not a party to the action, am over 18 years of age and reside at Nanuet, New York.

On May 14, 2012, I served a true copy of the annexed **NOTICE OF APPEARANCE AND WAIVER IN FORECLOSURE** in the following manner:

XXXXX by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal service within the State of New York, addressed to the last known address of the addressee(s)

TO: Thomas P. Battistoni
Schiff Hardin LLP
Attorneys for Plaintiff Capital One National Association
666 Fifth Avenue, 17th Floor
New York, N 10103
212-753-5000


RUTH DIAZ

Sworn to before me on May 14, 2012


Notary Public

WILLIAM STEIN
Notary Public, State of New York
No. 4626151

Qualified in Rockland County
Commission Expires November 30, 2014

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